IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

RBH ENERGY, LLC, Plaintiff, v. GREATER DALLAS ORTHOPAEDICS PLLC Defendant.	§ § § § § § § § § § §	Case No.: _________________ JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiff RBH Energy, LLC ("RBH"), by counsel, alleges as follows for its Original Complaint for Copyright Infringement against Defendant Greater Dallas Orthopaedics PLLC, ("Defendant"), and request relief from this Court based on the following:

THE PARTIES

1. Plaintiff RBH is a Texas limited liability company with its principal place of business located at 2908 Windstone Court, Bedford, TX 76021.

2. Defendant Greater Dallas Orthopaedics PLLC is a Texas professional limited liability company with its principal place of business located at 12230 Coit Road, Suite 100, Dallas, TX 75251. It can be served through its registered agent for service of process, Al Mollanbashy who is also located at 12230 Coit Road, Suite 100, Dallas, TX 75251.

JURISDICTION AND VENUE

3. This is a suit for copyright infringement under the United States Copyright Act of 1976, 17 U.S.C. § 101, *et seq*.

4. This Court has jurisdiction over Plaintiff's claims for copyright infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b)(2) and 1400(a).

BACKGROUND

6. RBH realleges paragraphs 1 through 5 as if fully set forth herein.

7. RBH is the owner of U.S. Copyright No. VAu 1-048-898 ("Copyright") titled Brian Harness Photography Collection 2009 Vol. II. A true and correct copy of the copyright is attached hereto as Exhibit A.

8. The named artist of the Copyright is Brian Harness ("Harness"). *See id.*

9. Because Mr. Harness's income and livelihood as an independent, professional photographer depends, in part, on his ability to control the use of his intellectual property, including the photographs covered by the Copyright, Harness is diligent in obtaining registered copyrights and enforcing those copyrights against unlawful use, including the unlawful use by the Defendant in this matter.

10. On February 2, 2016, Harness assigned the Copyright to RBH. A true and correct copy of the assignment is attached hereto as Exhibit B at ¶ 5.

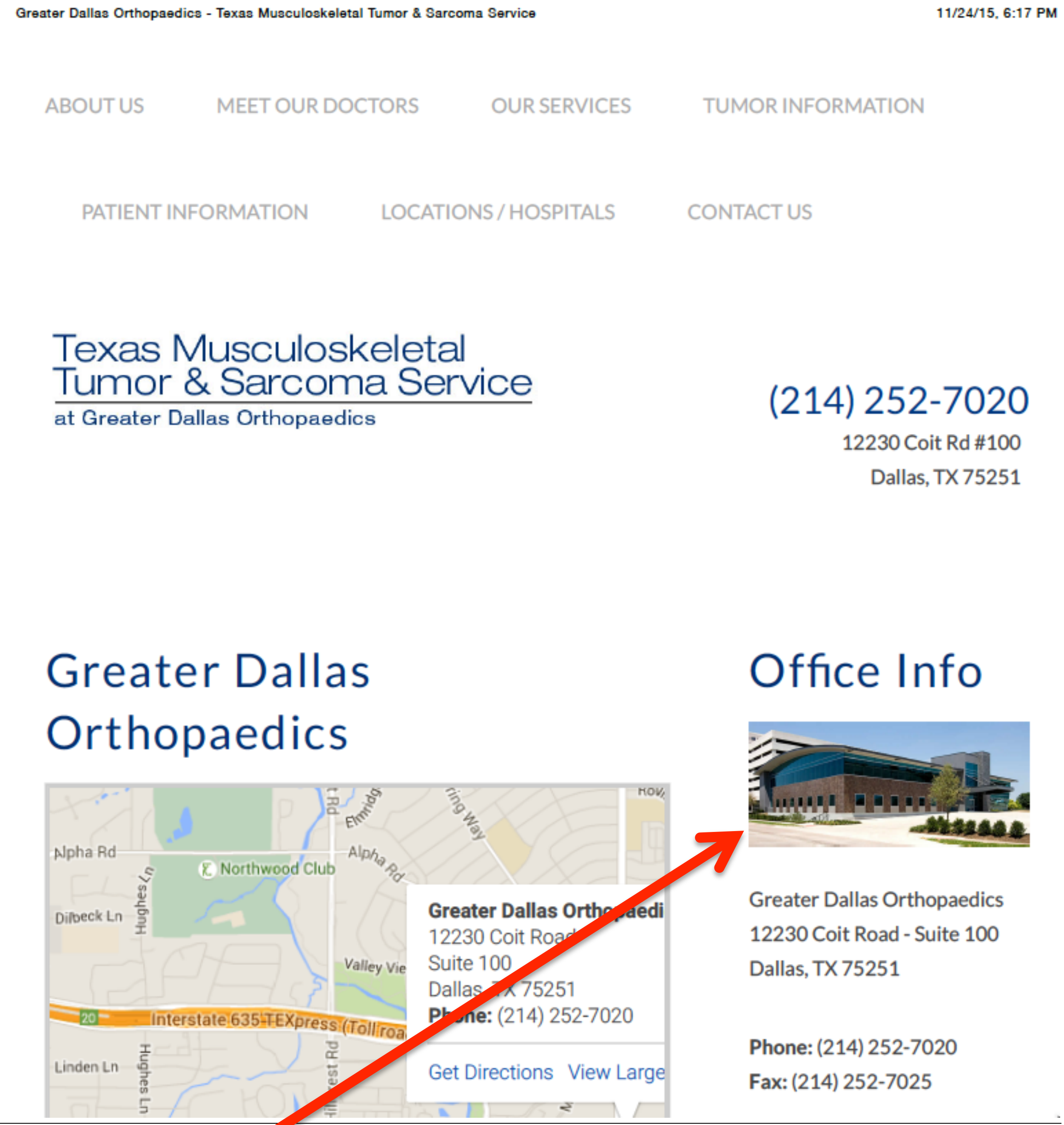
11. Harness, a professional photographer, is the sole member of RBH.

12. A copy of one of the photographs, which was filed as part of the Copyright, is depicted below coit-medical0882:

©Brian Harness 2009

13. In promotion of its business, Defendant, without permission from Harness or RBH, misappropriated this photograph and included the copyrighted photograph on its website.

14. A true and correct copy of the screenshots of Defendant's web page displaying coit-medical0882 is attached hereto as Exhibit C:


Greater Dallas Orthopaedics - Texas Musculoskeletal Tumor & Sarcoma Service
11/24/15, 6:17 PM
ABOUT US
MEET OUR DOCTORS
OUR SERVICES
TUMOR INFORMATION
PATIENT INFORMATION
LOCATIONS / HOSPITALS
CONTACT US
Texas Musculoskeletal Tumor & Sarcoma Service
at Greater Dallas Orthopaedics
(214) 252-7020
12230 Coit Rd #100
Dallas, TX 75251
Greater Dallas Orthopaedics
Office Info
Alpha Rd
Northwood Club
Hughes Ln
Dilbeck Ln
Valley Vie
Interstate 635-TEXpress (Toll roa
Linden Ln
Get Directions
View Large
Greater Dallas Orthopaedics
12230 Coit Road - Suite 100
Dallas, TX 75251
Phone: (214) 252-7020
Fax: (214) 252-7025

15. The photograph, noted above, remains on Defendant's web page through today.

16. Because Defendant had no permission to use the protected photograph, Defendant is liable for direct copyright infringement.

COUNT 1 – DIRECT COPYRIGHT INFRINGEMENT

17. RBH realleges paragraphs 1 through 16 as if set fully herein.

18. RBH alleges Defendant is liable for direct copyright infringement pursuant to 17 U.S.C. 501(a).

19. RBH has been damaged by Defendant's actions.

DEMAND FOR JURY TRIAL

Pursuant to FED. R. CIV. P. 38 and the 7th amendment of the U.S. Constitution, a trial by jury is hereby demanded.

DEMAND FOR RELIEF

WHEREFORE, Plaintiff RBH Energy, LLC demands that:

a. Defendant be found liable for direct copyright infringement;
b. Defendant be enjoined from reproducing, administering, displaying, or publishing RBH's copyrighted works;
c. Defendant be ordered to pay statutory damages pursuant to 17 U.S.C. § 504;
d. Defendant pay RBH's reasonable attorney's fees and costs of this action, pursuant to 17 U.S.C. § 505;
e. Defendant pay pre-judgment and post-judgment interest on any damages awarded; and
f. The Court award Plaintiff all other relief it deems justified.

Further, Plaintiff RBH Energy, LLC also reserves all of its rights to elect alternative remedies, including election of actual damages, as permitted by law.

Dated: May 15, 2017

Respectfully submitted,

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